

**Judicial Merit Commission – Regular Quarterly Meeting
Tang Conference Room, Law Library, Third Floor
101 West Jefferson, East Court Building
Tuesday, March 1, 2016**

General Session Meeting Minutes

The Judicial Merit System Commission met on Tuesday, March 1, 2016, for its regularly scheduled quarterly meeting. The meeting was conducted in the Tang Conference Room located at 101 W. Jefferson Street, East Court Building, Law Library, 3rd Floor.

I. Meeting Convened

The meeting was called to order at 2:00 p.m. with the following Commissioners in attendance: Commissioners Craig Waugh (Chair), Logan Young, Anna Baca, and Lauren Eiler.

Also in attendance were Danna Quinn, Secretary to the Commission, Jamie Ahler, Employee Relations Administrator, and Billie Berry, Human Resources Associate.

II. Approval of the Minutes

Commissioner Waugh called for a motion to approve the proposed revised minutes of the 1 September 2015 Quarterly General Session.

Motion: Commissioner Young moved to approve the minutes of the 1 September 2015 Quarterly General Session, as amended.

Commissioner Baca raised a question regarding the wording on page 3, third paragraph, last sentence which reads, “to the extent that performance evaluations are used to highlight strengths without addressing weaknesses, the Commission suggests this issue might be addressed by the Court.” Commissioner Baca suggested that this wording needed revision to more clearly reflect the Commission’s intent and recommendation.

Discussion ensued.

Commissioner Waugh suggested that the language be revised as follows: “to the extent that the performance evaluation process highlights strengths without addressing weaknesses, the Commission suggests that this issue might need to be addressed by the Court Administration.”

Commissioner Waugh called for a motion to incorporate the proposed changes to the 1 September 2015 General Session Meeting Minutes.

Motion: Commissioner Baca moved that the language on page 3, paragraph 3, last sentence, be amended to read “to the extent that the performance evaluation process highlights strengths without addressing weaknesses, the Commission suggested that this issue might need to be addressed by Court Administration.”

Commissioner Young seconded the motion.

The motion was unanimously approved.

Commissioner Waugh called for a motion to approve the minutes of the 1 September 2015 Quarterly General Session, as amended.

Motion: Commissioner Eiler moved to approve the minutes of the 1 September 2015 Quarterly General Session, as amended.

Commissioner Young seconded the motion.

The minutes of the 1 September 2015 Quarterly General Session were approved with 4 in favor, none opposed, and no abstentions.

As a procedural point, Commissioner Waugh noted he was the only Commissioner present that attended the 1 December 2015 meeting, which was adjourned for lack of a quorum. At the Chair's discretion, Commissioner Waugh continued approval of the 1 December 2015 Quarterly Meeting Minutes to the next quarterly meeting of the Commission on 7 June 2016, when Commissioner Clinton would be present to vote on them.

III. Appeals Pending Notification of Status

No appeals pending notification of status for this meeting.

IV. Appeals Pending Hearing/Decision

1. Peter Perez v. Juvenile Court of Maricopa County – Dismissal

Secretary Quinn reported Peter Perez was released from employment on January 8, 2016, and filed a timely appeal of that termination. A hearing was held on February 23, 2016, and the Court is awaiting the Hearing Officer's Report.

V. Incidents of Abandoned Appeals

Commissioner Waugh noted that this item has been carried over and discussed in previous meetings and, that it concerns the procedures that apply when an appellant stops participating in the appeal process and voluntarily resigns his or her employment without also withdrawing the appeal he or she initiated.

The Commission requested that staff provide data regarding the number of instances where an appellant resigned or failed to prosecute an appeal without withdrawing the appeal. Staff provided a report on the status of appeals filed from December 2006, to date, in an attempt to capture the information the Commission requested. The Commission concluded that there has only been once instance where an appellant resigned and did not withdraw the appeal, and in that case the hearing went forward without the appellant's participation.

Discussion ensued regarding the hearing process under these circumstances and whether the Commission should recommend any changes to the applicable rules. The Commission agreed that no changes to the hearing process are needed at this time, but that if abandonment of appeals were to become a frequent occurrence, it would be worthy of serious consideration whether to recommend to amend the rules.

Commissioner Eiler stated the report was very helpful and thanked staff for gathering the information.

VI. Annual Report

A revised Annual Report for Fiscal Year 2015/16 was provided to the Commission by Court staff. Secretary Quinn addressed revisions that were made to the report that was previously provided to the Commission.

Commissioner Waugh expressed interest in the significant number of HR initiatives instituted by Court staff beginning in March 2015. Secretary Quinn reported the initiative was a Court-wide initiative instituted by the Court's prior presiding judge to clean up the language in some of the existing policies, to update practices that were not accurately reflected in the policies, and to revise policies that had not been updated for many years. Secretary Quinn reported that the Human Resources Management group conducted the initiative; however, the project was housed with the Court's general counsel who took the lead on the project.

Commissioner Waugh asked whether this initiative would impact the Judicial Merit System Resolution and Rules, and whether the policies involved would have an impact on the potential discipline issues that would come before the Commission in the future.

Secretary Quinn reported that the policy changes were not substantive and would not require additional changes to the Judicial Merit System Rules.

Commissioner Waugh also asked whether the new Classified Personnel Rules would expand at some point to include probation department employees. Secretary Quinn reported that, to her knowledge, there is no immediate consideration of moving the probation staff under the new Rules.

Commissioner Baca inquired regarding the policy entitled Setting Forth the Judicial Branch's Policy on the Status of Judicial Staff when a Judicial Officer Leaves the Bench. She asked whether judicial staff is still considered staff when the judge leaves, or if staff has to look for a new job within the Court with other judges.

Secretary Quinn reported that judicial staff does have to look for new employment when their judge leaves the Bench; however, the Court works directly with the staff as their judges retire and has been very successful in utilizing vacancies in other divisions.

Commissioner Baca also inquired regarding the number of disciplinary actions that have been assigned under the Classified Personnel Rules as opposed to the Judicial Merit System Rules. Secretary Quinn reported that the Court has not yet had an appealable disciplinary action under the Classified Personnel Rules.

Commissioner Eiler questioned whether the report on performance evaluations was reflective of the new performance evaluation tool instituted by the Court. Secretary Quinn reported it was reflective of the new tool but only through this annual report for the fiscal year of 2015/16.

The Commission expressed its appreciation to staff for an informative annual report.

VII. JMC 2016 Proposed Meeting Schedule

The Commission had no conflict with the proposed meeting dates and the meeting schedule was unanimously approved.

VIII. Executive Session

The Commission held no Executive Session.

VIII. Call to the Public

A call to the public was made by Commissioner Waugh, and no response to the call was made.

IX. Future Agenda Items

No future agenda items at this time.

X. Meeting Adjournment

The Chair entertained a motion to adjourn.

Motion: Commissioner Eiler moved to adjourn the meeting. Commissioner Young seconded the motion, and the Commission approved it unanimously.

The meeting adjourned at 2:50 p.m.

Respectfully submitted,

Billie J. Berry
Staff to the Commission

For

Danna M. Quinn
Secretary to the Commission

Next Meeting: Tuesday, June 7, 2016 @ 2:00 p.m. in the Tang Conference Room